



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/066,251

01/31/2002

Richard L. Hammons

112-0020US

2791

29855

7590

03/18/2008

WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,
L.L.P.

20333 SH 249

SUITE 600

HOUSTON, TX 77070

EXAMINER

NALVEN, ANDREW L

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

03/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/066,251	Applicant(s) HAMMONS ET AL.	
	Examiner ANDREW L. NALVEN	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29, 54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/21/2006, 4/10/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-29 and 54 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-29 and 54 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 1-9, 11-16, and 25-29 are rejected under 35 U.S.C. 103(a)** as being anticipated by Yamamoto et al US PGPub 2003/0208589 in view of Battou US PGPub 2002/0174207.
4. **With regards to claims 1, 25-29**, Yamamoto teaches a network configuration entity configured or adapted to exclusively control a defined set of management functions through a secure network (Yamamoto, paragraph 0059), said secured network comprising a plurality of switching devices (Yamamoto, paragraph 0001), and set said

of management functions comprising recognition and operation (Yamamoto, paragraphs 0119, 0128). Yamamoto fails to teach the management functions including succession. However, Battou teaches the management functions including succession (Battou, page 1 paragraph 0008). At the time the invention was made, it would have been obvious to one of ordinary skill in the art to utilize Battou's method of succession for management servers because it offers the advantage of improving the viability of the network by providing a greater degree of fault tolerance thus ensuring that network remains available in the event of a management server failure (Battou, paragraphs 0005-0007)

5. **With regards to claim 2**, Yamamoto as modified teaches an NCE list storing an indication of each device in the network that may operate as said network configuration entity (Battou, page 18 paragraphs 0271, 0268, 0269).

6. **With regards to claim 3**, Yamamoto as modified teaches the set of management functions including rules for interaction between and among devices in the network (Battou, page 20 paragraphs 0304 through 0307).

7. **With regards to claim 4**, Yamamoto as modified teaches management functions including device connection controls indicating port relationships in said secure network (Yamamoto, paragraph 0098).

8. **With regards to claims 5-6**, Yamamoto as modified teaches a DCC list associated with one or more rules for interaction between and among devices and comprising definitions that logically bind a port on the network configuration entity to one or more ports resident in the secure network (Yamamoto, Figure 11, paragraph 0042).

9. **With regards to claims 7-8, 11-12**, Yamamoto as modified teaches the ports identified by the unique number that is a world wide name (Yamamoto, paragraph 0016).

10. **With regards to claim 9**, Yamamoto as modified teaches restricting management services to a defined set of endpoints (Battou, page 20 paragraph 0312, communicates with agents at OTSs).

11. **With regards to claims 13-14**, Yamamoto as modified teaches the network endpoints comprising uniquely identified device ports (Battou, page 20 paragraph 0312).

12. **With regards to claims 15-16**, Yamamoto as modified teaches the management functions including switch connection controls for designating devices to participate in the secure network (Yamamoto, paragraph 0001, paragraph 0120, Battou, page 20 paragraphs 0302 and 0306-0307).

13. **Claims 10, 17-24, 54 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Yamamoto et al US PGPub 2003/0208589 and Battou US PGPub 2002/0174207, as applied to claim 1 above, and in further view of Zara et al US PGPub 2004/0015957.

14. **With regards to claims 10, 17-24, and 54**, Yamamoto as modified teaches everything described above, but fails to teach a MAC list for storing an indication of network endpoints from which management access is acceptable. Zara teaches a MAC list for storing an indication of network endpoints from which management access is acceptable (Zara, page 2 paragraph 0020). At the time the invention was made, it

would have been obvious to a person of ordinary skill in the art to utilize Zara's MAC list with Battou's network management system because it offers the advantage of providing a method of determining that an intruder has gained access to the network (Zara, page 2 paragraph 0020).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW L. NALVEN whose telephone number is (571)272-3839. The examiner can normally be reached on Monday - Thursday 8-6, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571 272 3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/066,251
Art Unit: 2134

Page 6

/Andrew L Nalven/
Primary Examiner, Art Unit 2134